

## REMARKS

In the Office Action, the Patent Office restricts the present application to one of the following inventions:

- I. Claims 41-49 and 63-71, drawn to a battery with an anode wherein a peak of carbon in a region lower than about 284.5 eV by x-ray photoelectron spectroscopy,
- II. Claims 50-58 and 72-80, drawn to a battery with an anode wherein an energy difference between a peak of 3d<sub>5/2</sub> orbit of tin atom and a peak of 1s orbit of carbon atom obtained by x-ray photoel, and;
- III. Claims 13, 15 and 16, drawn to a method of making an anode material.

In response, Applicants elect, without traverse, Claims 41-49 and 63-71, drawn to a battery with an anode wherein a peak of carbon in a region lower than about 284.5 eV by x-ray photoelectron spectroscopy.

Applicants reserve the right to file a divisional application(s), if necessary, to any non-elected claim subject matter.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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